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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,765	11/12/2003	Rudolf Neuhaus	212/538	7400

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CROCKETT & CROCKETT  
24012 CALLE DE LA PLATA  
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LAGUNA HILLS, CA 92653

EXAMINER

LEPISTO, RYAN A

ART UNIT	PAPER NUMBER
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2883

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

**Office Action Summary**

Application No.

10/712,765

Applicant(s)

NEUHAUS ET AL.

Examiner

Ryan Lepisto

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 17 and 20 is/are rejected.
- 7) ☒ Claim(s) 10-16, 18, 19 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 12/03.
- 4) ☒ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. 20050829.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. Figures 1a and 1b should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "601" has been used to designate both holding block and base body.
3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

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The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

4. The abstract of the disclosure is objected to because of the form and legal phraseology used, such as "said". Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

5. **Claim 1** is objected to because of the following informalities: The word "of" in the first line is unnecessary, the word "a" in – for scattered light to monitor a power of light...– should be replaced with – the –, and the word "method" in – in which method the optical fiber...– is unnecessary. Appropriate correction is required.

6. **Claims 18 and 19** are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. A use claim of a

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product formed by a method of manufacturing is improper and therefore these claim have not been examined on their merits.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. **Claim 5** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim recites the limitation "detectable scattered light" in the end of the claim. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 1-4, 6-9, 17 and 20** are rejected under 35 U.S.C. 102(b) as being anticipated by **Zheng et al (US 5,897,803)** (Zheng). Zheng teaches a method of manufacturing an optical fiber attenuator (Figs. 3a, 5a-5c, 10 and 11) comprising

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splicing two ends of single mode optical fibers (Fig. 5a) (it is implied that the two ends could be ends of a severed fiber), each with a core (3) and cladding (2) (optical fibers have cores with higher index of refraction than cladding surrounding the core), by applying a varying intensity (over time) electric arc (Fig. 3a, column 4 lines 50-53) to the intersection while the two fiber are laterally offset with respect to each other (Fig. 5b) so that the core material diffuses (mixes) with the cladding area in the splice region (or decoupling interface) (column 6 lines 65-67) that will scattered applied light. Light is monitored by detectors near the decoupling interface (Figs 10-11) from the splice region via light from sources (25, Figs 10-11) so that the arc is stopped when the splice is complete (desired optical properties are meet) (column 8 lines 55-64) forming a control loop (Fig. 11) for controlling the splicing process and all components used.

***Allowable Subject Matter***

9. **Claims 5, 10-16 and 21** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims (and amended to over come any 35 USC 112 rejections).

The following is a statement of reasons for the indication of allowable subject matter:

With regard to claims 5, 15 and 21: These claims would be allowable over the prior art of record if rewritten in independent form including all of the limitations of the base claim and any intervening claims because the latter, either alone or in

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combination, does not disclose nor render obvious a method for manufacturing an optical fiber with a decoupling interface that is surrounded by a light scattering material that modifies a portion of detectable scattered light or that the decoupling interface and detector are commonly surrounded by an absorbing material that protects against scattered light coming from undesired directions, in combination with the rest of the claimed limitations.

With regard to claims 10-14 and 16: These claims would be allowable over the prior art of record if rewritten in independent form including all of the limitations of the base claim and any intervening claims because they depend from claims with allowable subject matter.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Zheng et al (US 6,062,743) also anticipates claims 1-4, 6-9, 17 and 20.
- Toeppen (US 5,560,760) teaches surrounding a splice region with a glass powder but fails to teach diffusing the core and cladding in the splice region.
- The following references are pertinent to the prior art at the time of applicant's invention: Saito et al (US 2002/0197027 A1), Robertson (US 4,728,170), Dianov et al (US 6,125,225), Bohnert et al (US 2001/002944 A1) and Sykora et al (US 2003/0031432 A1).

**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Lepisto whose telephone number is (571) 272-1946. The examiner can normally be reached on M-F 7:30AM-5:00PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Ryan Lepisto

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Date: 6/13/05

  
Frank Font

Supervisory Patent Examiner

Technology Center 2800